

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455A.5(6), 481A.38, 481A.39, and 481A.48, the Natural Resource Commission (Commission) hereby amends Chapter 106, “Deer Hunting by Residents,” Iowa Administrative Code.

Chapter 106 sets regulations for deer hunting by residents and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.

This rule making makes four substantive amendments to the chapter. First, these amendments change 22 county-specific antlerless-deer quotas, half of which are increasing and half of which are decreasing. Although this change will result in a net decrease of 2,425 available deer tags, roughly 10,000 of 2016’s deer tags were never claimed, so the reduction is actually less than last year’s surplus. The new deer tag total (72,150 compared to last year’s 74,575) is being strategically allocated to shift participation either toward or away from areas impacted by communicable diseases, such as epizootic hemorrhagic disease and chronic wasting disease, or where deer population numbers have exceeded social and biological tolerance levels. Counties that sold out of antlerless-deer tags last year and that would benefit from more harvest impact are having tags added to their quotas, while counties that did not sell out last year and would benefit from less impact are having tags reduced. All of these changes are ultimately designed to keep Iowa’s white-tailed deer herd as a whole within the population parameters agreed upon in 2009 by the Commission, the Department of Natural Resources, and the Deer Study Advisory Group (DSAG), a consortium of diverse stakeholders created to review, analyze, and make recommendations about Iowa’s deer herd.

Second, straight wall cartridge rifles are being added as an approved method of take for the regular gun seasons as well as for youth deer and severely disabled hunts. Approved calibers shall be the same as those set for pistols and revolvers in the Department of Natural Resources’ hunting regulation booklet, which is being formally adopted by reference in new paragraph 106.7(3)“e.”

Third, the amendments clarify the description of centerfire handguns to reduce confusion regarding the type of handguns legal for use in hunting deer in Iowa.

Finally, holders of a valid permit to carry weapons may now have a handgun on their person while deer hunting. However, only the handguns authorized for use in hunting deer shall be used to hunt and only during the seasons in which handguns are a lawful method of take (which is every season besides the archery season). The latter points are extremely important because there are handguns that may lawfully be carried pursuant to a permit, but which are not approved for deer hunting.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 12, 2017, as **ARC 3013C**. A public hearing was held on May 2, 2017. Forty-three comments were received regarding Chapter 106. The majority of comments, 25 of 43, indicated opposition to the addition of straight wall cartridge rifles as legal firearms. Seven comments indicated support for straight wall cartridge rifle use, and 5 comments indicated support if conditions were placed, such as limiting round capacity (3 comments), elimination of semiautomatic rifles (1 comment), and allowing for additional calibers (1 comment), on the use of rifles. The 5 remaining comments varied from banning party hunting to reducing deer harvest quotas.

Two changes from the Notice of Intended Action were made. Subparagraph 106.7(3)“b”(2) was edited for accuracy. The description of an approved handgun magazine’s functionality was incorrect in the Notice; the adjusted language (“a magazine feeding a single chamber...”) is accurate. Additionally, “bolt action” was added to the other mechanical features approved handguns must have; its absence in the Notice was an oversight. Under the revised subparagraph, handguns either (i) must have the action of a slide or a bolt action to eject the casing, or (ii) must have a break action capable of holding only one round.

These amendments will likely have a positive impact on private sector jobs in the state. Although antlerless-deer quotas are decreasing as a whole, the reduction is strategically designed to increase hunter participation. The changes to 22 county-specific quotas are expected to result in approximately 1,793 more deer tags sold. Deer hunting in general plays an important role in Iowa's economy, benefiting in particular the following businesses: hunting equipment retailers (weapons, ammunition, clothing, chairs, stands, binoculars, and other supporting equipment); field guides and outfitters; taxidermists; and restaurants, hotels, and gas stations for hunters traveling around the state.

These amendments are intended to implement Iowa Code sections 455A.5(6), 481A.38, and 481A.39 and section 481A.48 as amended by 2017 Iowa Acts, House File 475.

These amendments will become effective July 12, 2017.

The following amendments are adopted.

ITEM 1. Amend subrule 106.6(6) as follows:

106.6(6) Antlerless-deer-only licenses. Paid antlerless-deer-only licenses will be available by county for the ~~2016~~ 2017–2018 deer season as follows:

County	Quota	County	Quota	County	Quota
Adair	1025	Floyd	0	Monona	850
Adams	1450	Franklin	0	Monroe	1950
Allamakee	2975 <u>3600</u>	Fremont	525 <u>400</u>	Montgomery	750
Appanoose	2200 <u>1800</u>	Greene	0	Muscatine	775
Audubon	0	Grundy	0	O'Brien	0
Benton	325	Guthrie	1950	Osceola	0
Black Hawk	0	Hamilton	0	Page	750
Boone	450 <u>300</u>	Hancock	0	Palo Alto	0
Bremer	650	Hardin	0	Plymouth	0
Buchanan	200 <u>300</u>	Harrison	850	Pocahontas	0
Buena Vista	0	Henry	925	Polk	1350
Butler	0	Howard	200 <u>350</u>	Pottawattamie	850
Calhoun	0	Humboldt	0	Poweshiek	300
Carroll	0	Ida	0	Ringgold	2200 <u>1600</u>
Cass	400	Iowa	450	Sac	0
Cedar	775	Jackson	675 <u>825</u>	Scott	200
Cerro Gordo	0	Jasper	775	Shelby	225 <u>0</u>
Cherokee	0	Jefferson	1650	Sioux	0
Chickasaw	375	Johnson	850	Story	150
Clarke	2100	Jones	525 <u>800</u>	Tama	200
Clay	0	Keokuk	450	Taylor	2200 <u>1600</u>
Clayton	2775 <u>3400</u>	Kossuth	0	Union	1500
Clinton	400	Lee	1275	Van Buren	3800 <u>2000</u>
Crawford	450 <u>0</u>	Linn	850	Wapello	1825
Dallas	1875	Louisa	775 <u>675</u>	Warren	2200
Davis	2800 <u>1600</u>	Lucas	2200	Washington	750
Decatur	2200	Lyon	0	Wayne	2200

County	Quota	County	Quota	County	Quota
Delaware	525 800	Madison	2100 2350	Webster	0
Des Moines	800	Mahaska	475	Winnebago	0
Dickinson	0	Marion	1650	Winneshiek	1975 2275
Dubuque	725 825	Marshall	150	Woodbury	850 625
Emmet	0	Mills	750	Worth	0
Fayette	1500 1800	Mitchell	0	Wright	0

ITEM 2. Amend subrule 106.7(2) as follows:

106.7(2) Regular gun seasons. Only 10-, 12-, 16- and 20-gauge shotguns shooting single slugs₂ and straight wall cartridge rifles, muzzleloaders, and handguns as described more fully in 106.7(3), will be permitted for taking deer during the regular gun seasons.

ITEM 3. Amend subrule 106.7(3) as follows:

106.7(3) Muzzleloader seasons. Only muzzleloading rifles and muzzleloading pistols will be permitted for taking deer during the early muzzleloader season. During the late muzzleloader season, deer may be taken with a muzzleloader muzzleloading rifle, muzzleloading pistol, centerfire handgun, crossbow or bow as described in 106.7(1).

a. Muzzleloading rifles are defined as flintlock or percussion cap lock muzzleloaded rifles and muskets of not less than .44 and not larger than .775 caliber, shooting single projectiles only.

b. Centerfire handguns must be .357 caliber or larger shooting ~~straight-walled~~ straight wall cartridges propelling an expanding-type bullet (no full-metal jacket) and complying with all other requirements provided in Iowa Code section 481A.48. ~~Legal handgun calibers are listed on the department of natural resources list of acceptable handgun calibers for hunting deer in Iowa. Revolvers, pistols and black powder handguns must have a 4 inch minimum barrel length. There can be no shoulder stock or long-barrel modifications to handguns.~~ In addition, centerfire handguns must be designed to be shot with one hand using a pistol grip and have either:

(1) A cylinder of several chambers brought successively into line with the barrel and discharged with the same hammer; or

(2) A magazine feeding a single chamber integral with the barrel and using either the action of a slide or a bolt action to eject the casing, or having a break action capable of only holding one round.

c. Muzzleloading ~~handguns~~ pistols must be .44 caliber or larger, shooting single projectiles only.

d. Crossbow means a weapon consisting of a bow mounted transversely on a stock or frame and designed to fire a bolt, arrow, or quarrel by the release of the bow string, which is controlled by a mechanical trigger and a working safety. Crossbows equipped with pistol grips and designed to be fired with one hand are illegal for taking or attempting to take deer. All projectiles used in conjunction with a crossbow for deer hunting must be equipped with a broadhead.

e. Legal handgun calibers for hunting deer in Iowa are listed in the department of natural resources' hunting and trapping regulations booklet published each summer and adopted by reference herein. Centerfire handguns and black powder handguns must have a 4-inch minimum barrel length, and centerfire handguns shall not have any parts that extend beyond the back of the pistol grip. There can be no shoulder stock or long-barrel modifications to any handgun.

ITEM 4. Amend subrule 106.7(6) as follows:

106.7(6) Prohibited weapons and devices. The use of dogs, domestic animals, bait, rifles other than muzzleloaded or straight wall cartridge as provided in ~~106.7(5)~~ 106.7(2), 106.7(3) and 106.10(5), handguns except as provided in 106.7(2) and 106.7(3), crossbows except as provided in 106.7(1) and 106.7(3), automobiles, aircraft, or any mechanical conveyance or device, including electronic calls, is prohibited, except that paraplegics and single or double amputees of the legs may hunt from any stationary motor-driven land conveyance. "Bait" means grain, fruit, vegetables, nuts, hay, salt, mineral blocks, or any other natural food materials; commercial products containing natural food materials; or by-products of such materials transported to or placed in an area for the intent of attracting wildlife. Bait

does not include food placed during normal agricultural activities. “Paraplegic” means an individual with paralysis of the lower half of the body with involvement of both legs, usually due to disease of or injury to the spinal cord. It shall be unlawful for a person, while hunting deer, to carry or have in possession a rifle except as provided in 106.7(2), 106.7(3) and 106.7(5) 106.10(5). ~~It shall be unlawful for a person hunting with a bow license to carry a handgun unless that person also has a valid deer hunting license and an unfilled transportation tag that permits a handgun to be used to take deer.~~ A person in possession of a valid permit to carry weapons may carry a handgun while hunting. However, only the handguns listed in 106.7(3) shall be used to hunt deer and only when a handgun is a lawful method of take.

ITEM 5. Amend subrule 106.10(5) as follows:

106.10(5) *Method of take and other regulations.* Deer may be taken with shotgun, bow, straight wall cartridge rifles, or muzzleloaded rifles as permitted in 571—106.7(481A). All participants must meet the deer hunters’ orange apparel requirement in Iowa Code section 481A.122. All other regulations for obtaining licenses or hunting deer shall apply.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/7/17.